

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1205 OF 2021

Amitkumar Bashu Dange ... **Applicant**
Age 30 years, Occu: Service,
R/o Dange Wasti, Mhalung,
Tq. Malshiras, Dist. Solapur

VERSUS

The State of Maharashtra, ... **Respondent**
Through Murum Police Station,
District Osmanabad.

Mr. Rajesh More h/for Mr. Ganesh S. Patil, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th November, 2021

ORDER:

1. The applicant is seeking pre-arrest bail in Crime No. 193/2021 registered with Murum Police Station, District Osmanabad for the offence punishable under Section 420 r/w 34 of the Indian Penal Code. The first information report is lodged by Ramesh Rathod on 03.08.2021

2. Case of the complainant is that in 2018-2019 Vikas Reddy and Shivanand Patil met him. They gave information about Smart India Pvt. Ltd. networking company. He was induced to invest in the said company. He deposited the amount with the said company. Amount deposited was Rs.11,26,740/-. He received refund of Rs. one lakh. He did not receive further returns. Other persons had also deposited

amount and did not receive returns. Applicant was referred to as Director of Company. Total amount misappropriated is Rs.22 lakhs. The applicant and co-accused had acted in connivance with each other.

3. The submission of the learned counsel for the applicant is that the applicant was never Director of Smart India Pvt. Ltd. The applicant is MBA in Technology. He was earlier working with Network Solutions, IBM Company, having registered office at Koramangala, Bangalore as Engineer. He had joined Buddacharya Psb Network Pvt. Ltd. networking company on 23.11.2019 which is fortified by the appointment letter produced by him. Smart India Pvt. Ltd. took over Buddacharya Psb Network Pvt. Ltd. No inducement was made by him. His custodial interrogation is not necessary. The applicant was appointed as Technology Officer with Buddacharya Psb Network Pvt. Ltd.

4. Learned APP submits that applicant has been named in the first information report. Both companies are merged with each other. Role has been attributed to the applicant. Investigation is in progress. Promise of good returns were made to the investors. The message forwarded by the applicant indicates that he is sitting in the office of Buddacharya PSB Network Pvt. Ltd. The applicant and co-accused had induced the complainant to invest the amount. It is further submitted that statements of other aggrieved persons are not recorded.

5. On perusal of the documents it is apparent that there is nothing on record to show that the applicant was Director of Smart India

Pvt. Ltd. networking company. It appears that he was concerned with Buddacharya PSB Network Pvt. Ltd. as Technology Officer. He had joined the said company in the year 2019. The purported investment by the complainant was of the year 2018-19. There is nothing on record to establish that applicant has made any inducement to complainant or others to invest amount. There is no document to show that he was Director of Smart India Network Pvt. Ltd.

6. In light of the factual aspects of the matter, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1205 of 2021 is allowed;
 - ii. In the event of arrest of the applicant in Crime No. 193/2021 registered with Murum Police Station, District Osmanabad, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
 - iii. The applicant shall report the investigating officer on 13th 14th and 15th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
7. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC